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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 February 1995]

Continued violations of freedom of religion and conscience: discrimination against the Unified Buddhist Church

1. In the Socialist Republic of Viet Nam, although religious freedom is guaranteed in the Constitution (art. 70) and in article 1 of "Decree 69 on Religious Activity and National Interests", a policy of discrimination is systematically implemented against clergy and followers of religious institutions not sponsored by the State. This is inconsistent with the provisions of article 18 of the International Covenant on Civil and Political Rights, to which Viet Nam is party, and with the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (art. 2.1), which underlines that "No one shall be subject to discrimination by any State, institution, group of persons or person on the grounds of religion or belief".

2. The International Federation of Leagues of Human Rights (IFHR) and its affiliate, the Vietnam Committee on Human Rights (Vietnam Committee) continue to be deeply concerned by the Vietnamese Government's policy of discrimination against the Unified Buddhist Church of Vietnam (UBCV), and particularly by the recent arrests of the Church's two highest dignitaries, the UBCV Patriarch, Venerable Thich Huyen Quang, and the Secretary-General, Venerable Thich Quang Do.

3. Venerable Huyen Quang was arrested on 29 December 1994 at Hoi Phuoc pagoda in the province of Quang Ngai, where he has been under house arrest since 1982, and placed in custody in Nghia Hanh village, 15 kms away. After his arrest, security police raided Hoi Phuoc pagoda, confiscated the Church's Official Seal, and seized documents and archives belonging to Venerable Huyen Quang and the UBCV.

4. Venerable Quang Do was arrested in Ho Chi Minh City at 3.15 p.m. on 4 January 1995. He is now detained in the Security Detention Centre at 3C Ton Duc Thang Street in Ho Chi Minh City.

5. The authorities have denied that Venerable Huyen Quang is under arrest, reporting that he was merely "moved to another pagoda at the request of local monks and people" because he "systematically created trouble". However, Buddhists in Quang Ngai report that the Venerable Huyen Quang was arrested as he staged a hunger strike outside his pagoda gate by the Deputy Head of the Quang Ngai provincial security police, Mr. Dieu, who read out an official arrest warrant before taking him away in a heavily guarded police vehicle at 12 a.m. on 29 December 1994.

6. Venerable Quang Do is charged with "provoking trouble contrary to Vietnamese law". According to a statement by the Foreign Ministry (25 January 1995), Venerable Quang Do will shortly stand trial, but he will be tried as "a Vietnamese delinquent, not as a Buddhist".

7. However, the IFHR and the Vietnam Committee are concerned that the two dignitaries were not arrested because of any criminal offence, but because of (i) their continued appeals for government recognition of the legitimacy and independent status of the UBCV and (ii) their protests over a recent government clamp-down on a rescue mission launched by the UBCV to collect and distribute relief aid to victims of flooding in the Mekong Delta, in which 500,000 people were made homeless and over 300 killed. On 5-6 November 1994, security police in Ho Chi Minh City blocked a convoy of 10 UBCV vehicles on its way to the Mekong Delta, confiscated all relief aid and arrested the rescue mission's organizers, Buddhist monks Venerable Thich Khong Tanh, Thich Tri Luc, Thich Nhat Ban, and lay Buddhists Pham Van Xua and Mrs. Nguyen Thi Em. Although the Vietnamese Government denied obstructing this operation, Statement 311/UBMT issued by the Communist Party's Fatherland Front on 10 November announced that the authorities had "smashed the plan", and warned that all further relief aid must be distributed through the State-sponsored Vietnam Buddhist Church. In protest, Venerable Huyen Quang began a hunger strike on 27 December 1994, and Venerable Quang Do wrote to Prime Minister Vo Van Kiet stating: "Our Rescue Mission is a humanitarian act ... By impeding UBCV relief operations, the Government is gravely violating basic civil rights and democratic freedoms".

8. Harsh security measures were taken against both dignitaries for their responsibility in launching the rescue operation. From early November 1994 onwards, security police surrounded Hoi Phuoc pagoda, barring all access and communication with the outside. Venerable Huyen Quang was placed in total isolation, denied even the right to receive medical treatment for his high blood pressure. In Ho Chi Minh City, security forces raided Venerable Quang Do's residence at Thanh Minh pagoda on 31 December 1994, confiscating numerous documents.

9. The IFHR and the Vietnam Committee believe that Venerable Quang Do was also arrested because of a letter and a document he sent to Vietnamese Communist Party Secretary Do Muoi in November 1994. The document, entitled "Comments on the grave offences committed by the Vietnamese Communist Party against the Vietnamese people in general and against Buddhism in particular", traces repression against Buddhists in Viet Nam from the 1950 Land Reforms in North Viet Nam up to the present day.

10. Since his arrest, Venerable Quang Do has not been allowed to receive visits or communicate with defence counsel, although these rights are guaranteed in the Vietnamese Code of Criminal Procedure. The IFHR and the Vietnam Committee are concerned that the detention and forthcoming trial of Venerable Quang Do may not conform to universally recognized legal standards, as in the cases of other UBCV dignitaries tried in 1993 and 1994. At the request of the UBCV, the IFHR is providing defence counsel for Venerable Quang Do, and hopes for a favourable response to its visa applications filed at the Vietnamese Embassy in Paris.

11. Venerable Huyen Quang, aged 77, and Venerable Quang Do, 68, have been arrested on several occasions since 1975 because of their advocacy of religious freedom and human rights. First imprisoned in 1977, tortured and held in solitary confinement for 20 months, they were released in 1978 as a result of international pressure, then arrested again in February 1982 and placed under house arrest in remote villages, respectively in Quang Ngai (central Viet Nam) and Thai Binh (north Viet Nam) without justification or charge. The Vietnamese Government has consistently denied the house arrest of Venerable Thich Huyen Quang, yet has never allowed foreign journalists or international observers to visit him in situ, nor responded to requests from the international community to grant visiting access to the International Committee of the Red Cross.

12. The IFHR and the Vietnam Committee on Human Rights believe that the arrest of Venerable Thich Huyen Quang and Venerable Thich Quang Do constitutes a violation of the right to religious freedom guaranteed by the Universal Declaration of Human Rights and the 1992 Constitution of the Socialist Republic of Viet Nam. By protesting against the Government's suppression of the UBCV relief mission, the monks were simply evoking the provisions of the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief which guarantees the freedom to "establish and maintain appropriate charitable and humanitarian institutions" (art. 6 (b)).

13. The IFHR and the Vietnam Committee are also deeply concerned by the continued detention of Venerable Thich Khong Tanh, Thich Tri Luc, Thich Nhat Ban, and Buddhists Pham Van Xua and Mrs. Nguyen Thi Em arrested during the UBCV rescue mission in November 1994. The Vietnamese Foreign Ministry has systematically denied that these monks and Buddhists are under arrest, but the IFHR and the Vietnam Committee hold at the Commission's disposition copies of police permits issued by the Ho Chi Minh security police which authorize food parcels to be sent to the Ho Chi Minh Detention Centre at 3C Ton Duc Thang Street where "the detainees are currently being held". Furthermore, the families of the five detainees were allowed to visit them in prison on 27 January 1995 for the first time.

14. The IFHR and the Vietnam Committee on Human Rights call for the immediate release of the UBCV dignitaries and lay persons mentioned above, and of all other religious believers detained for the non-violent expression of their religious beliefs. Their full civil liberties, including freedom of movement, residence and religion, should be restored upon their release. Venerable Huyen Quang, in particular, should be allowed to return to An Quang pagoda in Ho Chi Minh City, where he formerly resided before being exiled to Quang Ngai and placed under house arrest in 1982.

15. The IFHR and the Vietnam Committee on Human Rights strongly urge the Commission to examine the question of religious intolerance in the Socialist Republic of Viet Nam as a matter of high priority.